

ILLINOIS POLLUTION CONTROL BOARD
May 27, 2004

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| MIDWEST GENERATION EME, LLC, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 04-185 |
| |) | (Trade Secret Appeal) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |
| |) | |

HEARING OFFICER ORDER

On May 27, 2004, all parties participated in a telephonic status conference with the hearing officer. The petitioner represented that it intends to file a motion for reconsideration of the Board's May 6, 2004 order. In particular, the petitioner will request the Board to reconsider its holding that the hearing in this matter is to be based exclusively on the record before the Illinois Environmental Protection Agency (Agency) at the time it issued its trade secret determination.

Without objection, the hearing officer extended the time in which the petitioner has to file its motion for reconsideration and set a briefing schedule. To that end, petitioner's motion for reconsideration with accompanying brief is due to be filed on or before July 1, 2004. The Agency's response brief is due to be filed on or before August 13, 2004. Petitioner's reply, if any, is due to be filed on or before August 27, 2004.

The petitioner represented that it will file an additional 180-day waiver of the statutory decision deadline.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on September 9, 2004, at 11:30 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
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